
City of Reading City Council

Regular Meeting Monday, December 22, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Randy Grossman, of the Grace Bible Fellowship Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Baez, District 5
City Auditor D. Cituk
City Solicitor, C. Younger
Mayor, T. McMahon
Managing Director, R. Hottenstein
City Auditor, D. Cituk
City Clerk, L. Kelleher
City Solicitor, C. Younger
Public Works Director, C. Jones
Sgt at Arms Capt, R. Shafer

PROCLAMATIONS AND PRESENTATIONS

There were no proclamation or presentations issued at this meeting.

PUBLIC COMMENT

Council President Spencer announced that two citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule requiring non-agenda comment at the end of the meeting was suspended.

Council President Spencer reminded two citizens of the remaining public speaking rules.

W. Scott Wagner- of Thorn Street, stated that he owns an additional property on the 1000 block of Birch Street. He stated that he has owned this property for approximately 10 years. Originally his daughter resided at the property but since she left, he kept it vacant and is rehabilitating it for sale. He stated that since the property's been vacant the property has been plagued with illegal dumping. He inquired why this illegal dumping issue took 12 months to resolve. He stated that he is unwilling to obtain a housing permit and business license for this property as it is not currently a rental property

James Washington- of North 4th Street, noted the good attendance at the Reading School District Public Safety Advisory Committee meeting in mid-December. He described the incident his son was involved in after school at 11th & Spring Streets. He thanked the City and School District for discussing the problems during the school day and after school. He expressed the belief that the City and the School District together are responsible for student safety, but added that the parent and student should also be involved in these discussions.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer called Council's attention to the agenda for this meeting including the legislation under the Consent Agenda Heading and the minutes from the Regular Meeting of December 8th and the Special Meeting of December 4th. He announced the need to add a Resolution seeking the installation of a streetlight at 620 Summit Avenue.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the December 4th Special Meeting and the December 8th Regular Meeting of Council. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Managing Director R. Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- EMS revenue re-cap for November.
- Availability of Flu Shots at the Reading Health Dispensary,
- Holiday trash pick-up revenue.

Councilor Waltman expressed the belief in the need to have police officers at Reading High School regardless of the cost and who will pay that cost. He noted that in the past Council funded the placement of two police officers at Reading High School however, these officers have been re-deployed. He stated that ultimately tax dollars pay the cost of police officers in schools and on City streets.

Councilor Goodman-Hinnershitz expressed the belief in the need for a strong partnership between the Reading School District Administration, School Board, City Council, and City Administration, along with parents. She noted the need to discuss and review the need of safe corridors grant money. She noted the success of this program in Philadelphia. Managing Director R. Hottenstein stated that the Administration has devised a temporary plan to address school safety with police participation.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- 2008 Admissions Tax collection.
- 2008 Real Estate Transfer Tax collection.

ORDINANCES FOR FINAL PASSAGE

Bill No 77-2008 - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. *Introduced at the October 1 Special Meeting; Tabled on Nov 24th; Tabled on December 8th*

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 77-2008.

Bill 77-2008 was tabled by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman
Spencer President – 7.**

Nay: None – 0

Councilor President Spencer announced that Council will be considering this bill at their Special Meeting scheduled for Monday December 29th.

Bill No. 82-2008 – levying the real property taxes with no change in the current rate for the fiscal year beginning the first day of January 2009 and ending the thirty-first day of December 2009 *Introduced at the December 4 regular meeting*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 82-2008.

Council President Spencer explained that this ordinance was introduced at the December 8th regular Meeting due to the Mayor's Veto of the ordinance which increased property tax by the 5% allowed by the City Charter. He explained that the property tax levy applies only to the fiscal year and must be enacted with each budget. He also reminded everyone that City Council at their Special Meeting held on December 15, 2008 introduced two ordinances; one raising the 2009 property tax budget by 5% and increasing the Home Rule EIT rate by .2%.

Councilor Goodman-Hinnershitz inquired how the passage of this ordinance will affect the adoption of these two ordinances at the Special Meeting on December 29, 2008.

Councilor President Spencer explained the need for Council to approve this Property Tax Ordinance. He stated that should the ordinance considered at the December 29th Regular Meeting fail to be adopted the City must adopt the property tax levy in place.

Bill 82-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 7.**

Nay: None – 0

Bill No. 63-2008 - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties **(Mayor)** *Introduced at the September 22 regular meeting; Tabled at the October 13 meeting; referred to the Public Safety Committee; referred to the Committee of the Whole*

Councilor Sterner moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 63-2008.

Council President Spencer invited Mayor Mc Mahon to open discussion on this Bill.

Mayor McMahon turned to the audience and made a lengthy plea for the need to enact this legislation that will increase the City’s public safety by deterring drug trafficking. He noted the number of Pennsylvania cities that have adopted similar legislation. He also described his work to encourage statewide enactment of this ordinance.

Councilor Marmarou inquired if the local FOP approves or endorses legislation. Mayor McMahon stated that he has not discussed this legislation with the local FOP.

Councilor Waltman agreed with the strength of the statistics described by Mayor McMahon but countered if local authorities can understand these statistics, state legislators can also understand then. He expressed the belief that this issue should be handled at the state level.

Mayor McMahon announced that the School District’s Public Safety Advisory Committee meets on the second Thursday of each month.

Councilor Fuhs noted his respect for the passion and principle of this issue. He stated that consideration of this legislation on the local level lacks solid support as only 6 out of 1,000 colleagues of the Mayor agree with the need for the enactment of this bill at the local level. He suggested that the legislation include

tougher penalties and charges. He stated that his question regarding how this legislation will stop drug trafficking has had no response after two months.

Councilor Fuhs agreed that officials at the local level need to encourage action by the state legislature. He expressed the belief that enacting this legislation at a local level will not decrease crime or increase public safety. He suggested that the majority of the City's population is in poverty the Mayor should focus his energy and passion at that problem.

Councilor Goodman-Hinnershitz stated that she will support this legislation as it will require notification to authorities when a gun is lost or stolen. She noted the importance of legislation that does not affect law abiding citizens to possess firearms. She expressed the belief that this is a small piece of the overall issue but an important start.

Councilor Sterner stated that he will also support the enactment of this legislation as it provides a positive starting point that deals with irresponsible owners of firearms.

Councilor Baez reprimanded the Mayor for making a lengthy and overly broad plea to the citizens and the audience rather than to the body of Council. She stated that she will not support the enactment of this ordinance. She stated that when someone obtains a license to carry firearms they all already are required to report lost and stolen firearms to local authorities. She stated the responsible owners already step forward when losing a firearm. She noted the need to find a better way to address the true issues.

Mayor McMahon again described those cities that have supported this movement. He expressed the belief that the enactment of this ordinance is just as important as lobbying for better legislation at the state level.

Councilor Fuhs stated that the mayor pitches the need for this Bill as a first step when actually it began with a bill enacted earlier this year regarding gun fire in the City. He noted that in the pre Council meeting the Mayor noted the need for a third step which will require the City to hire an employee through the Joyce Foundation. He inquired how many more small local actions will be needed before the state legislators do their job.

Council President Spencer noted the two sides of this issue and the NRA and the Joyce Foundation. He inquired how those who own a legal firearm will be

affected by this ordinance. He also inquired how this ordinance will affect guns used locally but owned by those who reside in other communities.

Council President Spencer questioned the Mayor's statement that enacting this legislation will prevent the death of police officers and civilians. He noted that gun control needs to be embraced at the state level. He stated that responsible owners will continue to be responsible and irresponsible owners will continue to act irresponsibly.

Councilor Waltman agreed that such ordinance will not effectively address the issue at hand. He also agreed that the state legislators need to address this issue.

Bill 63-2008 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Sterner – Waltman - 4

Nay: Baez, Fuhs, Spencer-President - 3

INTRODUCTION OF NEW ORDINANCES

There were no new ordinances introduced at this meeting.

RESOLUTIONS

Resolution 128-2008 - authorizing the issuance and sale of a tax and revenue anticipation note, series of 2009, of the City of Reading in an aggregate principal amount not to exceed \$3 million (Managing Director)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 128-2008.

Councilor President Spencer invited the Managing Director to comment on this legislation.

Managing Director Hottenstein stated that this is the first time the City has needed to do a TRAN for the past two years. He stated that this TRAN will be held as a line of credit to provide coverage in times of low cash flow. He stated that the variable rate TRAN will start with an interest rate 2.6375%.

Resolution 128-2008 was adopted by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

Resolution 130-2008 – denying the appeal of a Certificate of Appropriateness by the City of Reading Public Works Department for storage structure in City Park and remanding the issue back to the HARB Board at their January 20th meeting. (Council Staff)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 130-2008.

Council President Spencer explained that this Resolution will deny the certificate of appropriateness for the storage structure in City Park. He stated that this Resolution will also remand the issue back to the HARB Board which will allow the two parties to come to some compromise.

Councilor Goodman-Hinnershitz expressed her support for the denial of the certificate of appropriateness for the storage shed. She stated that the Public Works Department must find compromise with the HARB Board and the Penn's Commons Group.

Resolution 130-2008 was adopted by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

Resolution 131-2008 – directing the Administration to retain the services of an external auditor and a collection agency to being working to collect the uncollected housing permit fees, business license fees, per capita taxes, food permit fees, business privilege taxes, dumpster permit fees, tax administration licenses, local services taxes, and earned income taxes. (Marmarou & Goodman-Hinnershitz) *Introduced at the December 15 Special Meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 131-2008.

Resolution 131-2008 was tabled by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

Council President Spencer noted that the Administration submitted some requests for amendment to this Resolution. Council will consider the proposed amendments and consider the adoption of this ordinance at the Special Meeting scheduled for Monday December 29th.

Resolution 132-2008 – appointing Carmela Boykins to the City Diversity Board (Admin Oversight)

Resolution 133-2008 – appointing Mary Alamo to the City Diversity Board (Admin Oversight)

Resolution 134-2008 – appointing Jeffrey Gattone to the Zoning Hearing Board (Admin Oversight)

Resolution 135-2008 – appointing James Schlegel to the Berks Area Reading Transportation Authority (Admin Oversight)

Administrative Oversight Committee moved to adopt Resolutions 132 through 135, which make appointments to the Boards and Authorities.

Councilor Marmarou expressed his belief in the energy and skill of those stepping forward. He noted the value of community service.

Councilor Baez agreed and added that these four individuals are not only qualified but are eager to begin working on City issues.

Resolution 132 through 135-2008 were adopted by the following vote:

Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer – President-7

Nay- None - 0

COUNCIL COMMENT

Councilor Waltman and Councilor Baez wished all City residents a safe and Happy Holiday season. They announced the need for them to leave the meeting to handle some family issues.

Councilor Fuhs expressed the belief that City Government should not overstep its bounds by entering issues around private property and interests.

Councilor Marmarou agreed with the need to address public safety issues jointly with the City, Reading School District, and parents, along with County and State enforcement agencies.

Councilor Goodman-Hinnershitz also agreed with the need to expand the base and partnerships when considering broad public safety issues.

Councilor Goodman-Hinnershitz noted the coming completion of the light project at the Pagoda.

Councilor Sterner thanked the citizens who commented this evening. He agreed with the need for the City and the School District to work to find sensible solutions to the Public Safety issues in City schools.

Councilor President Spencer agreed with the various grey areas surrounding the housing permit process noted by Mr. Wagner earlier.

Council President Spencer noted that as he resided within a block of Reading High School he understands the wide spread problems that occur at dismissal due in part to the overcrowded conditions of the school.

Captain R. Schaeffer noted the large contingent of police officers available at the high school at dismissal time. He noted that police supervisors regularly meet with school officials to address safety problems. He also noted the various special details that occur in eight hour shifts in this area.

Councilor Fuhs left the meeting at this time.

Mayor McMahon stated that the Pagoda light project cost of \$25,000 was paid by the Berks county Community Foundation.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

Linda Kelleher, City Clerk